

REMARKS

In the December 28, 2004 Office Action, claims 1-6 and 8-11 stand rejected in view of prior art, while claims 12-13 are indicated as being allowed and claim 7 as containing allowable subject matter. No other objections or rejections are made in the Office Action.

Status of Claims and Amendments

In response to the December 28, 2004 Office Action, Applicants have amended the specification and claims 1, 8, and 13 as indicated above. New dependent claims 14-15 have been added. Applicants wish to thank the Examiner for the indication of allowance and allowable subject matter, and the thorough examination of this application. Thus, claims 1-15 are pending, with claims 1, 8, 12 being the only independent claims. Reexamination and reconsideration of the pending claims are respectfully requested in view of the above amendments and the following comments.

Specification

Applicants have amended the specification so as to provide better support for claims 1 and 8 as now amended. Since the portion of the specification that has been added by this amendment to the specification is shown in Figures 4 and 9 as originally filed, Applicants believe that no new matter has been added by this amendment to the specification.

Applicants believe that the specification is now correct and complies with 37 CFR §1.71 and §1.75(d)(1).

Rejections - 35 U.S.C. § 102

In paragraphs 2-3 of the Office Action, claims 1-4 and 8-11 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 3,864,895 to Petrea ("Petrea patent"). In response, Applicants have amended independent claims 1 and 8 to clearly define the present invention over the prior art of record.

More specifically, claims 1 and 8 have been amended to recite that the bag manufacturing unit has a transverse sealing mechanism that seals bags with a pair of sealing members that revolve so as to define annular trajectories that are front-rear symmetrical. Claims 1 and 8 as now amended also recite that the transfer mechanism transfers the bags such that the bags do not interfere with the transverse sealing mechanism while being transferred. These limitations are supported by Figures 4 and 9 as originally filed. Applicants believe that the Petrea patent does not disclose or suggest such arrangement.

More specifically, in the Petrea patent, the bag manufacturing unit does not have a pair of sealing jaws that revolve so as to define annular trajectories. Furthermore, the tilting of the cam arm 22 is effected by cam means such as 38 (*see* column 2, lines 51-56), not by tilting of the bent portion of the arm 22 as apparently asserted by the Office Action on page 5.

Applicants believe that the ***transfer mechanism of the Petrea patent cannot prevent the interference between the bag and the transverse sealing mechanism if the transverse sealing mechanism of the Petrea patent used a pair of sealing jaws that revolve so as to define annular trajectories.*** Since the transverse sealing mechanism that utilizes revolving sealing jaws require a greater space in the front-rear direction, the mere tilting of the arm 22 as shown in the Petrea patent would not be sufficient to prevent the interference between the bag being transferred and the subsequent bag or the transverse sealing mechanism.

It is well settled under U.S. patent law that for a reference to anticipate a claim, the reference must disclose each and every element of the claim within the reference. Therefore, Applicants respectfully submit that claims 1 and 8 as now amended are not anticipated by the prior art of record. Withdrawal of these rejections is respectfully requested.

Moreover, Applicants believe that dependent claims 2-4 and 9-11 are also allowable over the prior art of record in that they depend from independent claims 1 and 8. Therefore, they are allowable for the reasons stated above. Thus, Applicants believe that since the prior art of record does not anticipate the independent claims 1 and 8, neither does the prior art anticipate the dependent claims.

Applicants respectfully request withdrawal of the rejections.

Rejections - 35 U.S.C. § 103

In paragraphs 4-5 of the Office Action, claim 5 stands rejected under 35 U.S.C. §103(a) as being unpatentable over the Petrea patent in view of U.S. Patent No. 6,726,794 to Belt ("Belt patent"). Claim 6 stands rejected under 35 U.S.C. §103(a) as being unpatentable over the Petrea patent in view of U.S. Patent No. 4,415,127 to Seragnoli ("Seragnoli patent"). In response, Applicants have amended claim 1 as presented above.

More specifically, claim 1 has been amended as recited above. Applicants believe that the Petrea patent, the Belt patent, and the Seragnoli patent do not anticipate or suggest the arrangement of claims 5-6, because the Petrea patent, the Belt patent, and the Seragnoli

patent do not anticipate or suggest the arrangement of claim 1 whether taken singularly or in any combination.

Discussion of the Petrea patent is presented above. Applicants believe that the Petrea patent does not disclose or suggest the arrangement of claim 1.

Regarding the Belt patent, it is cited in the Office Action to show a strip transport unit that transports a plurality of strips to the fixing mechanism. Clearly, the Belt patent does not show or suggest a transverse sealing mechanism that includes a pair of revolving sealing jaws. Also, as seen in Figures 1-4 of the Belt patent, the transfer mechanism transfers the bags horizontally, rather than diagonally downward as required by claim 1. Thus, the Belt patent does not anticipate or suggest the arrangement of claim 1, whether taken singularly or in combination with the Petrea patent.

The Seragnoli patent is cited in the Office Action to show a means for signaling depletion of the strip material from the reel supply. The Seragnoli patent clearly does not show or suggest a transverse sealing mechanism that includes a pair of revolving sealing jaws, or a transfer mechanism that transfers bags diagonally downward. Thus, the Seragnoli patent does not anticipate or suggest the arrangement of claim 1, whether taken singularly or in combination with the Belt patent and the Petrea patent.

In view of the above comments, the Petrea patent, the Belt patent, and the Seragnoli patent do not anticipate or suggest the arrangement of claim 1. Since claims 5-6 are dependent from claim 1, Applicants believe that claims 5-6 are also not anticipated or suggested by the prior art of record.

Therefore, Applicants respectfully request that these rejections be withdrawn in view of the above comments.

Allowable Subject Matter

In paragraphs 7-8 of the Office Action, claim 12-13 stand indicated as allowed and claim 7 is indicated as containing allowable subject matter. Applicants wish to thank the Examiner for the indication of allowance and allowable subject matter, and the thorough examination of this application. In this Amendment, claim 13 has been amended as presented above to correct an error in translation. Applicants believe that no new matter has been added by this amendment to claim 13 in view of Figure 9 as originally filed. Claim 7 still

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remains dependent from claim 1, which Applicants believe is allowable over the prior art of record. Thus, Applicants believe that claims 7 and 12-13 are now in condition for allowance.


New Claims 14-15

Applicants have added new claims 14-15 which respectively depend from claims 1 and 8. The control unit in claims 14-15 is shown in Figure 11 and described on page 21, line 28- page 22, line 29 of the specification as filed. Thus, no new matter has been added by these new claims 14 and 15. Furthermore, claims 14 and 15 depend from claims 1 and 8, and therefore are narrower. Thus, Applicants believe that claims 14-15 are also not anticipated or suggested by the prior art of record.

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In view of the foregoing amendment and comments, Applicants respectfully assert that claims 1-15 are now in condition for allowance. Reexamination and reconsideration of the pending claims are respectfully requested.

Respectfully submitted,


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